

EBEXH  
38

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Washington, DC 20004-1109  
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OCT 12 2004

Federal Communication Commission  
Bureau/Office

MEMO

October 12, 2004

TO: James A. Shook  
Special Counsel  
Investigations & Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 - 12<sup>th</sup> Street, SW, Room 4-C330

FROM: Marissa G. Repp

RE: San Francisco Unified School District's Revised Objections and  
Responses to the Enforcement Bureau's Request for Admission  
of Facts and Genuineness of Documents

- ☐ For your information
- ☐ As you requested
- ☐ For your review and comment
- ☐ For your files
- ☐ Other

Federal Communications Commission	
Docket No. <u>04-191</u>	Exhibit No. <u>38</u>
Presented by <u>ERS</u>	
Disposition	Identified <u>5/8/05</u>
	Received _____
	Rejected <u>Staden 5/8/05</u>
Reporter <u>E. Staden</u>	
Date <u>05/12/05</u>	

2004 OCT 13 P 2:41  
FCC ENFORCEMENT BUREAU

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In The Matter of	)	MB Docket No. 04-191
	)	
San Francisco Unified School District	)	
	)	
For Renewal of License for Station KALW(FM),	)	Facility ID No. 58830
San Francisco, California	)	File No. BRED-19970801YA

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S REVISED OBJECTIONS AND  
RESPONSES TO ENFORCEMENT BUREAU'S REQUEST FOR ADMISSION OF  
FACTS AND GENUINENESS OF DOCUMENTS**

San Francisco Unified School District ("SFUSD"), by its attorneys and pursuant to Section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, files these revised objections and responses to the Enforcement Bureau's ("Bureau") Request for Admission of Facts and Genuineness of Documents dated August 19, 2004 ("Requests"). 1/ SFUSD incorporates by reference the definitions set out by the Bureau in the Requests.

**GENERAL OBJECTIONS**

SFUSD objects to the Bureau's Requests as follows (collectively referred to as the "General Objections"):

1/ The necessity of revising SFUSD's previous objections and responses became apparent during the course of the recent depositions taken in San Francisco, California. Pursuant to SFUSD's informal request, the Presiding Officer issued an order on October 8, 2004, FCC 04M-32, allowing SFUSD until October 12, 2004, to amend its responses to the Bureau's Requests.

1. SFUSD objects to the Bureau's Requests to the extent that they call for information protected by the attorney-client privilege or work product doctrine.
2. SFUSD objects to the Bureau's Requests to the extent that they seek information that is irrelevant to this action, or information not reasonably calculated to lead to the discovery of admissible evidence.
3. SFUSD objects to the Bureau's Requests to the extent that they are intended to elicit information compiled in anticipation of litigation by or on behalf of SFUSD or its attorneys.
4. SFUSD objects to the Bureau's Requests to the extent that they are vague, ambiguous, unnecessarily burdensome, or oppressive, or call for information that is solely outside of SFUSD's possession.
5. SFUSD objects to the Bureau's Requests to the extent that they seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. § 1.246.

Except as otherwise expressly admitted below, SFUSD denies the Bureau's Requests.

**SPECIFIC OBJECTIONS AND ANSWERS**  
**TO THE BUREAU'S REQUEST FOR ADMISSIONS**

Subject to and without waiving the foregoing General Objections, SFUSD responds to the Bureau's Requests as follows:

1. Attachment A is a true and accurate copy of the application filed at the FCC on behalf of SFUSD for renewal of license for KALW (File No. BRED-19970801YA).

**ANSWER:** SFUSD admits that Attachment A to the Requests is a true and accurate copy of the application filed at the FCC on behalf of SFUSD for renewal of license for KALW (File No. BRED-19970801YA).

2. Mr. Ramirez oversaw preparation of the original of Attachment A.

**ANSWER:** SFUSD objects to this Request to the extent that the word "oversaw" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits this Request.

3. At the time that he oversaw preparation of the original of Attachment A, Mr. Ramirez was general manager of KALW.

**ANSWER:** SFUSD objects to this Request to the extent that the word "oversaw" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits this Request.

4. Mr. Ramirez intended that SFUSD should respond "yes" to question 2 of page 3 of Attachment A, which asks: "Has the applicant placed in its public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and 73.3527?"

**ANSWER:** SFUSD previously objected to this Request to the extent that the word "intended" as used in the Request is vague and ambiguous. In its Motion to Rule on Objections and Denials to Admission Requests, the Bureau clarified the meaning that it ascribed to the word "intent" in the context of this admission request by stating that "either Mr. Ramirez knew that he was answering 'yes' and he intended to do so, or he checked the 'yes' box in error." Based on this explanation of the meaning of "intended" in the context of this admission request, SFUSD admits that "Mr. Ramirez knew that he was answering 'yes' and he intended to do so" with respect to question 2 of page 3 of SFUSD's 1997 renewal application.

5. Prior to sending Attachment A to a representative of SFUSD for signature,

Mr. Ramirez conferred with Mr. Sanchez about what was required to be in the KALW public inspection file.

**ANSWER:** SFUSD objects to this Request to the extent that it seeks privileged information and/or attorney work product. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez conferred with communications counsel about the required contents of the KALW public inspection file before sending the station's license renewal application to a representative of SFUSD for signature.

6. In overseeing the preparation of the original of Attachment A, Mr. Ramirez was acting within the authority delegated to him by SFUSD.

**ANSWER:** SFUSD objects to this Request to the extent that the word "overseeing" and the phrase "acting within the authority delegated to him by SFUSD" as used in the Request are vague and ambiguous. SFUSD further objects to the extent that the Request calls for a legal conclusion rather than an admission of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez was authorized to prepare KALW's license renewal application in 1997, and that Attachment A is a true and accurate copy of that application.

7. In August 1996, Mr. Ramirez was provided information about the KALW public inspection file by the late Dave Evans, then chief engineer of KALW.

**ANSWER:** SFUSD objects to this Request to the extent that the phrase "provided information" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez had a conversation with

Mr. Evans during August 1996 concerning, at least in part, the KALW's public inspection file. SFUSD further responds that, according to Mr. Ramirez's recollection, that conversation took place during Mr. Ramirez's first few weeks as General Manager, and Mr. Evans refused to be specific as to how the public file might have been deficient. SFUSD also states that after the conversation with Mr. Evans, Mr. Ramirez endeavored, on an ongoing basis, to determine what was in the KALW public inspection file and what needed to be added to that file in order to ensure that it was complete.

8. Attachment B is a true and accurate copy of a document titled "LICENSE RENEWALS MATERIALS - - IN FILES AT PRESENT," which was prepared by Ms. Hecht in June 1997.

**ANSWER:** SFUSD admits that Attachment B to the Requests is a true and accurate copy of a document titled "LICENSE RENEWALS MATERIALS - - IN FILES AT PRESENT," and that Ms. Hecht prepared this document in June 1997.

9. Ms. Hecht gave the original or a copy of Attachment B to Mr. Ramirez in June 1997.

**ANSWER:** SFUSD admits that Ms. Hecht provided the original or a copy of Attachment B to the Requests to Mr. Ramirez in June 1997.

10. Mr. Ramirez read the original or a copy of Attachment B prior to the completion of the original of Attachment A.

**ANSWER:** SFUSD admits that Mr. Ramirez read the original or a copy of Attachment B to the Requests prior to the completion of the original of Attachment A to the Requests. SFUSD further states that Mr. Ramirez believed that this document prepared by Ms. Hecht was

inaccurate and that Ms. Hecht might have misunderstood her assigned task in reviewing the file.

11. After reading the original or a copy of Attachment B, Mr. Ramirez made no further use of it.

**ANSWER:** SFUSD objects to this Request to the extent that the phrase "made no further use of it" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez considered the document inaccurate and questioned whether Ms. Hecht understood her assignment. SFUSD further admits that, as a result, Mr. Ramirez did not rely on this document when completing the license renewal application for KALW.

12. Attachment C is a true and accurate copy of the SFUSD 1993 Supplemental Report (From KALW Public Inspection File), which appeared as an attachment in a letter dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC.

**ANSWER:** SFUSD admits that Attachment C is a true and accurate copy of the SFUSD 1993 Supplemental Ownership Report that was attached to the letter, dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC. SFUSD further admits that this document was present in KALW's public inspection file at the time that Mr. Sanchez drafted the letter to Ms. Blair in 2001. Because Attachment C appears inadvertently to include page two of the 1997 Supplemental Ownership Report in place of page two of the 1993 report, SFUSD does not believe that this report is an "accurate" copy of the SFUSD 1993 Supplemental Ownership Report. SFUSD has reason to believe that two unassociated pages

located in its public inspection file (copies of which are attached hereto at Attachment I) constitute the correct pages two and three of the 1993 Supplemental Ownership Report. The two pages at Attachment I accurately and completely reflect the composition of the SFUSD Board in 1993. SFUSD notes that page three of Attachment C replicates the listing of Board Members set forth in pages two and three at Attachment I. This redundant list may represent an internal list used in the preparation of the SFUSD 1993 Supplemental Ownership Report. SFUSD assumes that errors that occurred in the collation process when the ownership reports were copied may be the cause of the disassociation and remixing of pages among the ownership reports. The three pages that SFUSD believes constitutes the SFUSD 1993 Supplemental Ownership Report are reproduced at Attachment II hereto.

13. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of Attachment C.

**ANSWER:** As explained in the answer to Request No. 12, SFUSD believes the SFUSD 1993 Supplemental Ownership Report consists of three pages, as reproduced at Attachment II hereto. SFUSD admits that when Mr. Ramirez forwarded the original of Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1993 Supplemental Ownership Report — a document signed in December 1997 — was not in the KALW public inspection file. SFUSD further responds that KALW's station management created or recreated one or more supplemental ownership reports, including the SFUSD 1993 Supplemental Ownership Report, in or about December 1997 after learning that such reports were required and

were not in the station's public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the 1993 Supplemental Ownership Report was included in the KALW public inspection file at the time that Mr. Ramirez forwarded the station's license renewal application to a representative of SFUSD for signature.

14. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of Attachment C.

**ANSWER:** As explained in the answer to Request No. 12, SFUSD believes the SFUSD 1993 Supplemental Ownership Report consists of three pages, as reproduced at Attachment II hereto. SFUSD objects to this Request to the extent that the word "knew" is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez forwarded Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1993 Supplemental Ownership Report—a document signed in December 1997—was not in the KALW public inspection file, and Mr. Ramirez would have had no reason to believe that the SFUSD 1993 Supplemental Ownership Report was included in the public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the SFUSD 1993 Supplemental Ownership Report was included in the KALW public inspection file at that time or whether Mr. Ramirez was aware of any such report.

15. Attachment D is a true and accurate copy of the SFUSD 1995 Supplemental Report (From KALW Public Inspection File), which appeared as an attachment in a letter dated April 5,

2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC.

**ANSWER:** SFUSD admits that Attachment D is a true and accurate copy of the SFUSD 1995 Supplemental Ownership Report that was attached to the letter, dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC. SFUSD further admits that this document was present in KALW's public inspection file at the time that Mr. Sanchez drafted the letter to Ms. Blair in 2001. However, SFUSD does not believe that this report is an "accurate" copy of the SFUSD 1995 Supplemental Ownership Report. SFUSD notes that page two of the report at Attachment D refers to Mr. Tom Ammiano as being a Board Member. However, while Mr. Ammiano was a Board Member in 1993, he was not a Board Member in 1995. SFUSD further notes that the SFUSD Board Members in 1993 and 1995 were the same, with the exception of Mr. Ammiano (who served in 1993) and Mr. Keith Jackson (who served in 1995). SFUSD has reason to believe that two unassociated pages located in its public inspection file (copies of which are attached hereto at Attachment III) constitute the correct pages two and three of the SFUSD 1995 Supplemental Ownership Report. SFUSD notes that page four of the report at Attachment D, to the extent it replicates the listing of Board Members set forth in pages two and three at Attachment III, would have been redundant and may represent an internal list used in the preparation of the SFUSD 1995 Supplemental Ownership Report. SFUSD assumes that errors that occurred in the collation process when the ownership reports were copied may be the cause of the disassociation and remixing of pages among the ownership reports. The three pages that SFUSD believes constitutes the SFUSD 1995 Supplemental

Ownership Report are set forth at Attachment IV hereto.

16. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of Attachment D.

**ANSWER:** As explained in the answer to Request No. 15, SFUSD believes the SFUSD 1995 Supplemental Ownership Report consists of three pages, as reproduced at Attachment IV hereto. SFUSD admits that when Mr. Ramirez forwarded the original of Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1995 Supplemental Ownership Report — a document signed in December 1997 — was not in the KALW public inspection file. SFUSD further responds that KALW's station management created or recreated one or more supplemental ownership reports, including the SFUSD 1995 Supplemental Ownership Report, in or about December 1997 after learning that such reports were required and were not in the station's public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the 1995 Supplemental Ownership Report was included in the KALW public inspection file at the time that Mr. Ramirez forwarded the station's license renewal application to a representative of SFUSD for signature.

17. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of Attachment D.

**ANSWER:** As explained in the answer to Request No. 15, SFUSD believes the SFUSD 1995 Supplemental Ownership Report consists of three pages, as reproduced at Attachment IV hereto.

SFUSD objects to this Request to the extent that the word "knew" is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez forwarded Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1995 Supplemental Ownership Report — a document signed in December 1997 — was not in the KALW public inspection file, and Mr. Ramirez would have had no reason to believe that the SFUSD 1995 Supplemental Ownership Report was included in the public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the SFUSD 1995 Supplemental Ownership Report was included in the KALW public inspection file at that time or whether Mr. Ramirez was aware of any such report.

18. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527.

**ANSWER:** SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrase "all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez transmitted KALW's renewal application to a representative of SFUSD for signature, the station's public inspection file did not contain issues/programs lists for the entire license period, as required by 47 C.F.R. Section

73.3527. SFUSD further states that, at that time, to the best of its understanding, the public inspection file did contain the document attached as Exhibit O to Golden Gate Public Radio's "Petition to Deny," and that Mr. Ramirez stated that he believed that such document satisfied the issues/programs list requirement. SFUSD further states that it lacks information sufficient to affirm or deny whether any additional documents that might satisfy the issues/programs list requirement, in whole or in part, were in the station's public inspection at the time that Mr. Ramirez forwarded the renewal application to SFUSD's representative for signature, or whether any such documents had been created or timely placed in the public inspection file between January 1, 1991 and July 31, 1997.

19. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527.

**ANSWER:** SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrase "all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies the Request. While SFUSD admits that at the time that Mr. Ramirez transmitted KALW's renewal application to a representative of SFUSD for signature the station's public inspection file did not contain issues/programs lists for the entire license period, as required by 47 C.F.R. Section 73.3527, SFUSD states that, at that time, to the best of its

understanding, the public inspection file did contain the document attached as Exhibit O to Golden Gate Public Radio's "Petition to Deny," and that Mr. Ramirez stated that he believed that such document satisfied the issues/programs list requirement. SFUSD further states that it lacks information sufficient to affirm or deny whether any additional documents that might satisfy the issues/programs list requirement, in whole or in part, were in the station's public inspection file at the time that Mr. Ramirez forwarded the renewal application to SFUSD's representative for filing, or whether any such documents had been created or timely placed in the public inspection file between January 1, 1991 and July 31, 1997. SFUSD further states that it lacks information sufficient to affirm or deny whether Mr. Ramirez was aware of the presence or absence of any such documents at that time.

20. Mr. Rojas, or someone who had authority to do so, signed his name to the original of Attachment A on page 5 on or about July 30, 1997.

**ANSWER:** SFUSD admits that Mr. Rojas, or someone who had authority to do so, signed his name to page 5 of the original of Attachment A to the Requests or about July 30, 1997.

21. In so signing Mr. Rojas's name to the original of Attachment A, SFUSD intended to certify that the statements in the application were true, complete and correct to the best of its knowledge and belief, and were made in good faith.

**ANSWER:** SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that when Mr. Rojas's name was signed to the original of Attachment A, SFUSD intended to certify that the statements in the application were true,

complete and correct to the best of its knowledge and belief, and were made in good faith..

22. On or about July 30, 1997, Mr. Rojas had no personal knowledge as to whether SFUSD had placed in the KALW public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3527.

**ANSWER:** SFUSD objects to this Request to the extent it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrases "appropriate times" and "documentation required by 47 C.F.R. Section 73.3527" as used in this Request are vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Rojas had no personal knowledge concerning the contents of KALW's public inspection file on or about July 30, 1997. SFUSD further admits that Mr. Rojas had no personal knowledge on or about July 30, 1997 concerning when documents required to be placed in KALW's public inspection file had been placed there.

23. On or about July 30, 1997, Mr. Ramirez knew that SFUSD had not placed in the KALW public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3527.

**ANSWER:** SFUSD objects to this Request to the extent it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrases "appropriate times" and "documentation required by 47 C.F.R. Section 73.3527" as used in this Request are vague and ambiguous. SFUSD further objects that the word "knew" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies this Request. SFUSD further responds that on or about July 30, 1997,

Mr. Ramirez stated that he believed that the public inspection file contained the documentation required by 47 C.F.R. Section 73.3527, as he understood that regulation.

24. On or about July 30, 1997, the KALW public inspection file was located in Mr. Helgeson's office at KALW.

**ANSWER:** SFUSD admits that on or about July 30, 1997, the KALW public inspection file was located in Mr. Helgeson's work area (*i.e.*, cubicle) at KALW.

25. Prior to July 30, 1997, Mr. Helgeson provided assistance to update and maintain the KALW public inspection file.

**ANSWER:** SFUSD objects that the phrases "provided assistance" and "update and maintain" as used in this Request are vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that prior to July 30, 1997, Mr. Helgeson sometimes assisted the General Manager in the maintenance of KALW's public inspection file.

Respectfully submitted,

**SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT**

By: 

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October 12, 2004

**ATTACHMENT I**

\\DC-81133\0002 - 1005932 v5

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Ms Jill Wynns 124 Brewster St S.F. CA 94110	Member, Board of Education	U.S.	Community Activist	Elected by San Francisco voters
Ms Angie Fa 271 Bartlett St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Mr Steve Phillips 439 Connecticut Street S.F. CA 94107	Member, Board of Education	U.S.	Attorney	Elected by San Francisco voters
Mr Tom Ammiano 162 Prospect St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

#### CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC, 1992.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By

Waldemar Rojas (S.A.)  
(SIGNATURE)

Title

Superintendent of Schools

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE  
PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

#### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

The staff, consisting variously of attorneys, accountants, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, & U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Dr Leland Yee 1489 Dolores St S.F. CA 94110	Member, Board of Education	U.S.	Psychologist	Elected by San Francisco voters
Dr Dan Kelly 255 San Marcos S.F. CA 94116	Member, Board of Education	U.S.	Physician	Elected by San Francisco voters
Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av. S.F. CA 94102	Superinten- dent of Schools	U.S.	Superinten- dent	Appointed by Board of Education

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**ATTACHMENT II**

Approved by OMB  
3060-0084  
Expires 4/30/90

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION

Ownership Report  
For Noncommercial Educational Broadcast  
Station

FOR COMMISSION USE ONLY

File No.

Name of Applicant

San Francisco Unified School District

Telephone No. (Include Area Code) (415) 841-4121

1. All of the information furnished is reported as of

January 31, 1993

(date must comply with Section 73.3615(a) when box 1(a) below is checked)

INSTRUCTIONS

1. This report is to be filed as follows by noncommercial educational TV, FM, or AM broadcast stations (See Section 73.3615 of the Commission's Rules.)

(a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.

(b) By licensees or permittees within 30 days after the consummation, pursuant to Commission consent, of a transfer of control, or an assignment of license or the grant of an original construction permit.

(c) By licensees or permittees within 30 days after changes in the information called for by this form.

(d) File one copy with the Federal Communications Commission, Washington, D.C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.

(e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.

2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by Section 73.3613 of the Rules. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.

3. This form should be used to report all types of transactions concerning agreements and voting control.

4. If the licensee or permittee is directly or indirectly controlled by another entity, a separate Form 323E should be submitted to report changes in the officers and directors of such entity.

5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.

6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

This report is filed pursuant to instruction (Check One)

1(a) ☐ Renewal

(b) ☐ Transfer of Control, Assignment of License, or Construction Permit

(c) ☒ Change of prior report, for the following stations:

Call sign KALW

Type of station FM Educational

Location

City San Francisco

State CA

2. List all contracts and other instruments set forth in Section 73.3613 of the Commission's Rules and Regulations

Description of contract or instrument

\*Corporation for Public Broadcasting

\*National Public Radio  
(Program Agreement on file)

\*Public Radio International  
(Program Agreement on file)

Name of person or organization with whom contract is made

Corporation for Public Broadcasting  
National Public Radio  
Public Radio International

Date of execution

C.P.B. Oct. 25, 1990 N.P.R.:  
P.R.I. Aug. 10, 1990 Aug. 8, 1988

Date of expiration C.P.B. continues yr to yr  
N.P.R. continues yr to yr  
P.R.I. continues yr to yr

3. Is the governing board directly or indirectly under the control of another entity?

☐ Yes ☒ No  
If "Yes", give name and nature of entity

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

(None)

22

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
Ms Jill Wynns 124 Brewster St S.F. CA 94110	Member, Board of Education	U.S.	Community Activist	Elected by San Francisco voters
Ms Angie Fa 271 Bartlett St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Mr Steve Phillips 439 Connecticut Street S.F. CA 94107	Member, Board of Education	U.S.	Attorney	Elected by San Francisco voters
Mr Tom Ammiano 162 Prospect St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters

Section 310(d) of the Communications Act of 1934 requires that consent of the Commission must be obtained prior to the assignment or transfer of control of a station license or construction permit. This form may not be used to report or request an assignment of license or transfer of control (except to report an assignment of license or control made pursuant to prior Commission consent).

### CERTIFICATION

(Date of certification must be within 30 days of date shown in Item 1 when box 1(a) is checked and in no event prior to Item 1 date.)

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of Dec, 1977.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By Waldemar Rojas (L.B.)  
(SIGNATURE)

Title Superintendent of Schools

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE  
PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.

### FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

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If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information.

Accordingly, every effort should be made to provide all necessary information. Your response is required to retain this benefit.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, December 31, 1974, & U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

*24*

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

NAME AND RESIDENCE	OFFICE HELD	CITIZENSHIP	PRINCIPAL PROFESSION OR OCCUPATION	BY WHOM APPOINTED OR ELECTED
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Dr Dan Kelly 255 San Marcos S.F. CA 94116	Member, Board of Education	U.S.	Physician	Elected by San Francisco voters
Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av. S.F. CA 94102	Superinten- dent of Schools	U.S.	Superinten- dent	Appointed by Board of Education

**ATTACHMENT III**

\\\\DC - 81133/0002 - 198593Z v5

25

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

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Ms Angie Fa 271 Bartlett St S.F. CA 94110	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Mr Steve Phillips 439 Connecticut Street S.F. CA 94107	Member, Board of Education	U.S.	Attorney	Elected by San Francisco voters
Mr Keith Jackson 1489 Webster St #809 S.F. CA 94115	Member, Board of Education	U.S.	Student	Elected by San Francisco voters

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### CERTIFICATION

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I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC., 1977.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By

Naldemar Rojas (F.D.)  
(SIGNATURE)

Title

Superintendent of Schools

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THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-578, December 31, 1974, 5 U.S.C. 552a(e) (3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

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Dr Carlotta del Portillo 84 Berkeley Way S.F. CA 94131	Member, Board of Education	U.S.	Educator	Elected by San Francisco voters
Waldemar Rojas 135 Van Ness Av S.F. CA 94102	Superintendent of Schools	U.S.	Superintendent	Appointed by Board of Education

**ATTACHMENT IV**

Approved by OMB  
3060-0084  
Expires 4/30/90

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION

Ownership Report  
For Noncommercial Educational Broadcast  
Station

FOR COMMISSION USE ONLY

File No.

Name of Applicant

San Francisco Unified School District

Telephone No. (Include Area Code)

1. All of the information furnished is reported as of

January 31, 1995

(date must comply with Section 73.3615(e) when box 1(a) below is checked)

INSTRUCTIONS

1. This report is to be filed as follows by noncommercial educational TV, FM, or AM broadcast stations (See Section 73.3615 of the Commission's Rules.)

(a) By licensees with the application for renewal of station license. Licensees with current unamended Ownership Reports on file at the Commission may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report.

(b) By licensees or permittees within 30 days after the consummation, pursuant to Commission consent, of a transfer of control, or an assignment of license or the grant of an original construction permit.

(c) By licensees or permittees, within 30 days after changes in the information called for by this form.

(d) File one copy with the Federal Communications Commission, Washington, D.C. 20554. If information submitted is equally applicable to each station above listed, one report may be filed for all such stations; otherwise a separate report shall be filed for each station.

(e) This form is to be filled out completely when filed pursuant to (a) and (b) above. When filled out pursuant to (c), changes only need be noted.

2. Any contract or modification of contract relating to the ownership, control, or management of the licensee or permittee must be filed with the Commission, as required by Section 73.3613 of the Rules. Attention is directed to the fact that Section 73.3613 requires the filing of all contracts of the types specified and is not limited to executed contracts but includes options, pledges, and other executory agreements and contracts relating to ownership, control, or management.

3. This form should be used to report all types of transactions concerning agreements and voting control.

4. If the licensee or permittee is directly or indirectly controlled by another entity, a separate Form 323E should be submitted to report changes in the officers and directors of such entity.

5. This form is not to be used to report or request a transfer of control or assignment of license or construction permit (except to report a transfer of control or assignment of license made pursuant to prior Commission consent). The appropriate forms for use in connection with such transfers or assignments are FCC Forms 314, 315, and 316. It is the prime responsibility of the licensee or permittee to determine whether a given transaction constitutes a transfer of control or an assignment.

6. The official title of the respondent must be an officer of the licensee or permittee corporation or association, or in case of a governmental or public educational agency, a duly authorized administrative representative thereof.

This report is filed pursuant to instruction (Check One).

1(a) ☐ Renewal

(b) ☐ Transfer of Control,  
Assignment of License, or  
Construction Permit

(c) ☒ Change of prior report, for the following stations:

Call sign KALW

Type of station FM Educational

Location

City

San Francisco

State

CA

2. List all contracts and other instruments set forth in Section 73.3613 of the Commission's Rules and Regulations

Description of contract or instrument

\*Corporation for Public Broadcasting

\*National Public Radio  
(Program Agreement on file)

\*Public Radio International  
(Program Agreement on file)

Name of person or organization with whom contract is made

Corporation for Public Broadcasting  
National Public Radio  
Public Radio International

Date of execution

C.P.B. Oct. 25, 1990 N.P.R.:

P.R.I. Aug. 10, 1990 Aug. 8, 1988

Date of expiration C.P.B. continues yr to yr

N.P.R. continues yr to yr

P.R.I. continues yr to yr

3. Is the governing board directly or indirectly under the control of another entity?

☐ Yes ☒ No

If "Yes", give name and nature of entity

4. Show the interests in any other broadcast station of the licensee or permittee, or any of its officers, members of the governing board, and holders of 1% or more ownership interest, if any.

(None)

26

5. Give the following information as to applicant's officers, members of governing board, and holders of 1% or more ownership interest, if any.

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I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 10 day of DEC., 1977.

San Francisco Unified School District

(NAME OF LICENSEE OR PERMITTEE)

By

Naldemar Rojas (S.D.)  
(SIGNATURE)

Title

Superintendent of Schools

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PUNISHABLE BY FINE AND IMPRISONMENT.  
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Waldemar Rojas 135 Van Ness Av S.F. CA 94102	Superintendent of Schools	U.S.	Superintendent	Appointed by Board of Education

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In The Matter of	)	MB Docket No. 04-191
	)	
<b>San Francisco Unified School District</b>	)	
	)	
For Renewal of License for Station KALW(FM),	)	Facility ID No. 58830
San Francisco, California	)	File No. BRED-19970801YA

**DECLARATION OF NICOLE SAWAYA**

I, Nicole Sawaya, General Manager of Station KALW(FM), San Francisco, California,  
declare and say:

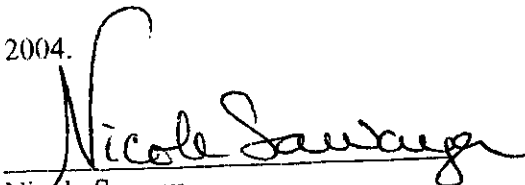
1. The denials stated in San Francisco Unified School District's ("SFUSD") Revised Objections and Responses to the Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents ("Response") are, to the best of my knowledge and belief, true and correct for the reasons explained more fully in the Response.

2. To the extent that SFUSD states in its Response that SFUSD lacks information sufficient to admit or deny any fact relevant to the Enforcement Bureau's requests for admission, the reason for the inability to respond with certainty is the passage of time and change in personnel. SFUSD filed its renewal application over seven years ago, and in the intervening period, both SFUSD and KALW(FM) have experienced considerable turnover in employees. My tenure as General Manager of KALW(FM) began on March 1, 2001. Moreover, the memories of once-knowledgeable individuals may no longer be dependable and documents may have been

lost. For such reasons, in response to several of the Bureau's requests, SFUSD has been unable, in good faith, to affirm or deny certain facts.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 12<sup>th</sup> day of October, 2004.

  
Nicole Sawaya

### Certificate of Service

I, Regina Hogan, hereby certify that on this 12<sup>th</sup> day of October, 2004, a copy of the foregoing **San Francisco Unified School District's Revised Objections and Responses to the Enforcement Bureau's Request for Admission of Facts and Genuineness of Documents** was sent by first-class mail, postage prepaid, to:

Chief Administrative Law Judge Richard L. Sippel \* \*\*  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 1-C768  
Washington, DC 20554

David H. Solomon \*  
Chief, Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 7-C485  
Washington, DC 20554

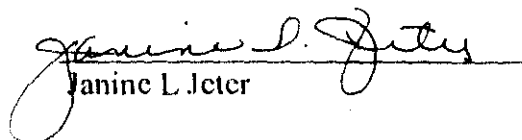
William H. Davenport \*  
Chief, Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

William D. Freedman \*  
Deputy Chief, Investigations and Hearings  
Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

James A. Shook \*  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

Dana E. Leavitt \*  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 4-C330  
Washington, DC 20554

\* By Hand Delivery  
\*\* By Telecopy

  
Janine L. Jeter